IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.851 OF 2007

Shantilal Lalchand Kothari &
Jain & Ors. ...Appellants

Versus

Municipal Corporation for Greater
Mumbai & Anr. ...Respondents

Shri R.A.Thorat & And Shri P.J. Thorat for the Appellants.

CORAM : ABHAY S.OKA, J.
DATED : OCTOBER 31st, 2007.

P.C.:

1. Heard advocates appearing for the parties. The learned advocate for the appellant has tendered on record an undertaking on oath filed by the appellant. The undertaking is marked "X" for identification. The undertaking is taken on record and is accepted.

2. Hence, I pass the following order:

(i) L.C.Suit No.2769 of 2005 filed by the appellant is dismissed as withdrawn.

(ii) If a proposal for regularisation of the disputed structure mentioned in notice dated 05th August, 2004 is submitted by the appellant to the appropriate authority of the first respondent-Corporation within a period of ten

weeks from today, the action of demolition shall not be taken for a period of twenty weeks from today.

(iii) The concerned authority of the first respondent-Corporation will pass order on the proposal within a period of eight weeks from the date on which the proposal is filed by the appellant.

(iv) If proposal for regularisation is not submitted within a period of ten weeks from today, the protection granted by this order will not apply and it will be open for the first respondent-Corporation to take action of demolition on expiry of period of ten weeks from today.

(v) The proposal for regularisation shall be decided on its own merits.

(vi) Appeal is disposed of in above terms.

(vii) Parties to act upon an authenticated copy of this order.

JUDGE